

Kansas Environmental News



April 2003



Secretary's Corner

Roderick L. Bremby

Some exciting environmental developments are underway in the state including a unique project in south central Kansas. The new Northwest Water Quality Reclamation Facility near Maize is no ordinary wastewater treatment facility and is expected to serve as an example to other communities across the U.S.

This unique \$13.5 million plant has an attractive design with extensive landscaping and is complete with a public park, and a wetlands and wildlife area. The total project costs are \$29 million. The Reclamation Facility will produce a high quality effluent that will eventually enter Cowskin Creek. The adjacent properties will receive fresh water reclaimed through treatment at the plant. Construction around the facility included creation of the wetlands and wildlife area. The Riparian Corridor was also restocked with waterfowl, raptors and songbirds. In addition, the abandoned channel area of the creek and shallow emergent depressions in the flood plain were restored. Its innovative operation and site restoration demonstrate the importance of incorporating these ideas in future projects. The new facility will handle wastewater services for northwest Wichita including existing and newly developed areas.

This week a federal judge declared all Kansas streams must be designated for primary contact recreation (swimming, fishing, boating) unless analyzed and designated otherwise. KDHE has been conducting the use attainability analysis for each of the 1,456 water bodies in the state as required by Senate Bill 204. We will continue this process and submit our proposed designations to EPA for approval. The analysis of these streams and lakes is expected to conclude in 2005. In the meantime, the judge's ruling will automatically change the stream

designations from secondary contact recreation (suitable for wading) to primary contact recreation. While we are still reviewing the impact, we expect it will be minimal.

In a few weeks KDHE will begin public meetings on proposed regulations for municipal, commercial, and industrial wastewater facilities. The regulations address wastewater lagoon liner requirements and are intended to enhance the protection of groundwater resources in the state by addressing design, construction and operation of wastewater lagoons for these facilities. Public meetings are scheduled in Topeka, Hays and Wichita.

As you know, many important issues are before us as we work to make improvements for Kansans and look for efficient ways to do so. Thank you for your dedication as we move toward these goals.

Be well,

Rod

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Discovering Environmental Contamination During A Real Estate Transaction

The discovery of environmental contamination often arises during a real estate transaction. A prospective buyer, bank, lending institution and/or developer may retain an environmental consultant to perform a Phase I investigation of the site to identify the presence of environmental contamination on a property. The Phase I generally consists of a site reconnaissance, and a review of historical and regulatory agency records as outlined in the procedures of the American Society for Testing and Materials (ASTM). Information from the Phase I is evaluated by the environmental consultant and a more intrusive sampling investigation, more commonly referred to as a Phase II assessment may be recommended.

During the Phase II, numerous soil borings and/or groundwater probes are installed to obtain representative soil and groundwater samples. These samples are analyzed for potential contaminants of interest identified during the Phase I. Phase II findings are presented to the purchaser by the environmental consultant, who in turn advises the seller. Even if a seller has not contributed to or caused the contamination, current environmental regulations designate the current property owner as a responsible party. In order to facilitate the property transaction, the seller is typically forced to assume liability for any additional work that may be necessary in order to receive a "No Further Action" letter from the Kansas Department of Health and Environment (KDHE).

The next critical step is communication with KDHE. A proactive approach between KDHE and the responsible party can be extremely effective. It can result in a legal document or voluntary agreement which outlines responsibilities between the agency and responsible party. Selecting a qualified environmental consultant is one of the most important decisions for the responsible party in effectively managing costs to investigate and remediate a contaminated site. The responsible party should obtain proposals, timelines and budgets in order to effectively manage the project. The environmental consultant should be able to provide references and be qualified to perform environmental work in the state, which may require a geologist or engineering license.

KDHE will likely require complete delineation of the contamination. This means determining the boundaries or the contamination both horizontally and vertically and identifying potential sensitive receptors such as drinking water wells, etc. The strategy to define the horizontal and vertical extent of soil impact and/or groundwater contaminant plumes is site-specific. It is most effectively accomplished by a knowledgeable environmental professional, utilizing a variety of field investigative methodologies, with the accumulated experience to effectively interpret the data generated.

After the contamination has been fully delineated, a determination of the appropriate remediation technology is the next step. Some of the factors that affect remedial costs are: regulatory acceptance, end-use of the sites, presence of recalcitrant separate-phase product, depth of contamination and rate of plume migration.

Widely accepted remedial technologies include traditional pump and treat, soil vapor extraction, air sparging, excavation, and natural attenuation. A risk assessment can be performed to determine the level of risk and subsequent remedial technology necessary to adequately address the risk. KDHE has a risk-based, look-up table for contaminants to assist a responsible party in determining cleanup standards.

The responsible party should remember however, that the cleanup of contamination to the required risk-based levels is entirely performance-based. If cleanup is not accomplished by selected remedial technology, then additional cleanup may be required by KDHE. In many cases, a combination of technologies is most effective.

Rick Bean, Bureau of Environmental Remediation

KDHE REGULATIONS IN PROCESS

update 07/14/03

REGULATION	DIV. DRAFT	EPA REVIEW	DOA REVIEW	AG REVIEW	PUBLIC HEARING	EFFECTIVE
<u>Waste Management</u>						
Special Waste	6/02	N/A	10/02	10/02	1/03	5/03
Construction Demo(N)	4/03	N/A	*6/03	*7/03	*9/03	*11/03
Permits	*8/03	*9/03	*9/03	*10/03	*12/03	*2/04
SWPlanning(A)	*6/03	N/A	*7/03	*8/03	*10/03	*12/03
Groundwater	*9/03	*10/03	*10/03	*11/03	*1/04	*3/04
Hazardous Waste Update (A)	*7/03	*8/03	*8/03	*9/03	*11/03	*1/04
Medical Waste	*10/03	N/A	*11/03	*12/03	*2/04	*4/04
<u>Air and Radiation</u>						
AcidRainPermits(A)	*7/03		*8/03	*9/03	*11/03	*12/03
Acid Rain NOx(N)	*7/03		*8/03	*9/03	*11/03	*12/03
Opacity Rule(A)	*9/03		*10/03	*11/03	*1/04	*2/04
UpdateStds(NSPS,MA)	*8/03		*9/03	*10/03	*1/04	*2/04
Consolidated Air Rule (N)	*8/03		*10/03	*11/03	*1/04	*2/04
Definitions (A)	*8/03		*8/03	*9/03	*11/03	*12/03
Inventory Report Regs	*7/03		*8/03	*9/03	*11/03	*12/03
<u>Water</u>						
SurfaceWQS (A)(SB204)	12/01		5/02	5/02	9/02	1/03
Surface WQS (HB2219)	6/03	*10/03	5/03	5/03	8/03	*10/03
<u>Public Water Supply</u>						
Lead Copper Minor Revisions(N)	3/03	3/03	*7/03	*8/03	*10/03	*1/04
Consumer Confidence Report(N)	3/03	3/03	*7/03	*8/03	*10/03	*1/04
Public Notification(N)	3/03	3/03	*7/03	*8/03	*10/03	*1/04
IESWTR(N)	3/03	3/03	*7/03	*8/03	*10/03	*1/04
Stage 1 DDBP(N)	3/03	3/03	*7/03	*8/03	*10/03	*1/04
LT1(N)	3/03	3/03	*7/03	*8/03	*10/03	*1/04
Filter Backwash Recycling Rule(N)	3/03	3/03	*7/03	*8/03	*10/03	*1/04
Radionuclide Rule(N)	3/03	3/03	*7/03	*8/03	*10/03	*1/04
Arsenic Rule(N)	3/03	3/03	*7/03	*8/03	*10/03	*1/04
Permits		3/03	*7/03	*8/03	*10/03	*1/04
28-15-11,13,14,15a,20,21,22(R)	3/03	3/03	*7/03	*8/03	*10/03	*1/04
Sewage 7 Excreta Disposal						
28-5-16,17,18(A)	3/03	*3/03	*3/03	*4/03	*6/03	*9/03
<u>Geology</u>						
Hydrocarbon Storage Wells(N)	12/02		3/03	3/03	6/03	7/03
Nat. Gas Storage Wells(N)	12/02		3/03	3/03	6/03	7/03

New(N), Amended(A), Revoked(R)

* denotes projected date

MARK YOUR CALENDARS!!

2003 Kansas Environment Conference
 Wichita Marriott
 Wichita, Kansas
 August 26-27, 2003

Open Burning of Clean Wood at Approved Tree and Brush Sites

Kansas currently has over 400 active open burn sites approved by KDHE primarily for the burning of trees and brush. Many of these sites are located at permitted solid waste landfills and transfer stations. Historically, KDHE inspectors have allowed some untreated and unpainted boards and pallets in approved burn piles. However, in the past year, inspectors have begun to enforce state air regulations which prohibit the open burning of any wastes, structures, vegetation, or other materials unless the burning activity is specifically listed as exempt from the prohibition or KDHE approval to burn is obtained (K.A.R. 28-19-645 and 28-19-647).

The department's change in enforcement practices has led to confusion and concern among the owners and operators of tree and brush burn sites. Many calls and letters have been received by KDHE, primarily from counties, and Senate Bill 216 was introduced this year in the legislature in hopes of restoring the flexibility to burn clean lumber and sawdust in these burn piles. SB 216 proposed to allow the burning of "untreated" wood and sawdust at construction and demolition landfill burn piles only.

KDHE understands the reasons why some burn site owners believe it is beneficial to burn clean wood rather than take up valuable landfill space. However, the open burning of any material, including clean wood, can adversely impact human health and the environment by increasing airborne contaminants, especially fine particulate matter which is most harmful to children, the elderly, and persons with respiratory problems. Actual impacts associated with burning clean wood are directly related to the amount of wood burned and the proximity of the burn pile to population centers.

In addition to health hazards and the existing restrictions in current state air pollution regulations, federal solid waste regulations prohibit the open burning of all solid waste except trees, brush and other vegetation generated from land clearing, emergency clean-up, and pasture maintenance. 40 CFR Part 257.3-7 states: "The facility or practice shall not engage in open burning of residential, commercial, institutional, or industrial solid waste."

It was primarily because of this federal regulation that the Senate Natural Resources Committee voted "no" on SB 216, killing the bill. These federal rules do not prohibit the burning of clean wood when using a control device such as an air curtain destructor unit.

Despite the federal prohibition on open burning of any commercially generated waste, KDHE recognizes that it is unnecessary and impractical to enforce a zero tolerance requirement on such activity. For this reason, the department has developed and adopted a Division of Environment policy which allows "incidental amounts" of clean wood to be burned in approved tree and brush burn piles. "Incidental" means a few boards or pallets at any one time mixed with a larger volume of trees and brush. No violations of the air regulations will be cited for incidental amounts of untreated wood in burn piles, but warnings and educational comments may be included in inspection reports. If you would like a copy of this policy please contact me at (785) 296-1612 or by e-mail at wbider@kdhe.state.ks.us.

KDHE will assist counties (and other burn pile operators) in identifying alternatives to uncontrolled burning or disposal of wood waste. Please contact Cathy Colglazier in our Pollution Prevention Office for such assistance at (785) 296-0669 or ccolglaz@kdhe.state.ks.us.

Bill Bider, Bureau of Waste Management

Natural Resources Leadership Camp

Youth from across Kansas ages 12 to 15 who have an interest in the outdoors, science, biology, leadership, and the natural world around them are encouraged to apply for a week long camping experience. This camp is being developed with the belief that educating tomorrow's leaders today will be the best way to help them face the challenges of the natural resources in which they will live. The camp strives to teach each camper the need for each particular resource in order for it to remain healthy for tomorrow's user. For example, soil needs to be protected from erosion and must be conserved if we are to be able to feed ourselves and the world around us; prairie grasses must be managed in a manner that will insure their long term survival; wildlife needs are similar to humans regarding food, water and shelter.

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The instructors at the camp will be resource professionals who have the knowledge and enthusiasm to teach the campers about the world around them. Emphasis will be on learning about soil, water, grasses, trees, air, and wildlife needs. The camp will conclude with the attendees participating in a land use challenge game (similar to a public hearing) in which the campers will represent a particular interest group and debate their point of view before a panel of their peers. The purpose of the challenge game will be to evaluate what each has learned and give insight to those who may want to pursue the challenge of leadership.

Of the original 100 attendees, ten will be invited to attend camp the second year as Cabin Leaders/Counselors. They will be given training in dealing with Conflict Resolution and Leadership Techniques before the new set of campers arrive. The next year the Cabin Leader/Counselors will be asked to return to the camp as Career In Training participants. They will tour various Kansas businesses and focus on how natural resources are being utilized by each business type. They will also serve as Assistants to the Resource Instructors and become the peers for the land use challenge game. Fees for the second and third year attendees are paid by the Natural Resources Leadership Camp.

If you desire additional information, feel free to contact the Natural Resources Leadership Camp Representative nearest you:

Jay Barnes - Wichita – (316) 686-6043
Barth Crouch - Salina – (785) 823-0240
Pat Flynn - Ft. Scott – (620) 223-2700 ext. 601
Marilyn Graham - Fredonia – (620) 378-3740
Mark Spangler - Wichita – (316) 682-5117
Steve Sorensen - Wichita – (316) 755-2239

New Workshop for Small and Rural Communities with Brownfields

Does your community have abandoned or underused property that is not being redeveloped because of environmental concerns? Probably every Kansas county and city has a brownfield as defined by the U.S. Environmental Protection Agency (EPA). At the federal level, EPA provides grants and loans to assess and cleanup these sites. At the state level, the Kansas Department of Health and Environment (KDHE) also has several programs to help with redevelopment of brownfields properties owned, or to be purchased by local governments and non-profit organizations. Historically, brownfields funding has been awarded to urban communities, despite the fact that small and rural communities are eligible.

Kansas State University's Technical Outreach Services to Communities (TOSC) program along with the KDHE will be conducting an interactive workshop to give small and rural communities an opportunity to learn how to identify brownfields; what programs are available; and how properties are assessed for potential contaminants and cleaned up, if needed. In addition, this workshop will discuss liability and financial issues. A case study of an actual small town that has been through the brownfields process will be presented. Economic development districts across Kansas are partnering with KSU and KDHE to hold four workshops in June: June 4 in Jewell; June 5 in Hiawatha; June 18 in Dodge City; and June 25 in El Dorado.

The Kansas Department of Commerce & Housing has approved this workshop for continuing education for certified administrators.

Those who should attend include economic development specialists and staff; rural economic development council members; regional planning commissions; Chambers of Commerce staff; city and county commissioners, administrators and environmental staff; interested citizens; and local developers, realtors and bankers.

For more information or a registration invitation, please contact Barb Johnson at barblj@ksu.edu or Angie Aburgoon at 1-800-798-7796.

Pollution Prevention Award Applications Encouraged

The Kansas Department of Health and Environment (KDHE) is encouraging businesses, community organizations and individuals to apply for the 2003 Pollution Prevention Awards and Recognition Program. Pollution prevention (P2) encompasses many different activities that reduce or prevent the generation of pollutants or wastes at the source.

In addition to companies and community groups, individuals are encouraged to join the growing list of Kansans committed to improving the Kansas environment by taking the Pollution Prevention Pledge. All individuals who participate in the pledge program are recognized, and if they request, are provided with a certificate to remind them of their commitment.

Award applications will be judged by an independent committee comprised of university staff, community and business representatives, with KDHE making final awards. Applications are judged independently and are not competitive.

KDHE recognizes organizations that demonstrate exceptional leadership in environmental stewardship in five categories. Applicants should define their achievements according to one of those categories:

Education/Communication: This category includes individual, community or business outreach efforts, innovative use of internet, media campaigns, or innovative education programs. Programs may be external, such as outreach or media campaigns, or may be internal programs such as employee education programs to facilitate pollution prevention

New Initiatives: The New Initiatives category includes broad based programs which focus on prevention of pollution through the adoption of new initiatives. Initiatives may come from senior management staff, team leaders or any staff who introduce comprehensive facility-wide concepts in preventing pollution.

New Technologies: This category includes new methodology for processes or procedures which prevent pollution. New technologies may also include the development of clean products or processes that prevent pollution.

Cooperative Efforts: This category focuses on

the joint efforts of communities, businesses or other groups to promote partnerships in prevention. Efforts may include cooperation between cities, states, businesses, educational units or other organizations.

Special Projects: The Special Projects category includes projects which may not fit into any of the above categories, such as projects developed as part of a *Supplemental Environmental Project or SEP*. Many innovative P2 projects are developed as part of a SEP. These projects should be unique, and if selected for an award, the project would be featured as a "case study."

The application deadline for the awards program is June 26. Awards will be presented at the annual Kansas Environmental Conference in August. The application is available on the KDHE website at www.kdhe.state.ks.us/sbcs/index.html. For more information, contact Cathy Colglazier at (800) 357-6087 or e-mail ccolglaz@kdhe.state.ks.us.

Ninth Annual Works! Solid Waste Conference

Nearly three hundred representatives of public and private waste management programs in Kansas and the surrounding region traveled to Winfield on March 18-20 for the ninth annual *WORKS! 2003* conference on recycling, composting and household hazardous waste management. Sponsored by the Kansas Department of Health and Environment (KDHE), the conference was held on the campus of Southwestern College in Winfield, Kansas. For the first time, household hazardous waste (HHW) training, sessions and exhibits were added to the *WORKS!* conference.

The conference kicked off on Tuesday, March 18 with a series of all-day training workshops on recycling, composting and HHW. Wednesday morning featured the keynote presentation "Homeland Security and Bioterrorism" by Gene Krase, Administrator of Emergency Operations for the Kansas National Guard, followed by a Town Hall meeting with William Bider, Director of KDHE's

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Bureau of Waste Management. The General Session included the Kansas Partnership Awards for Commitment to Excellence which were presented to the City of Winfield for composting and recycling, Thomas County Conservation District for recycling, 1st Step Recycling/Sunflower Diversified Services (Great Bend) for recycling and Johnson County Environmental Department for their Household Hazardous Material program.

For the first time in conference history the Wednesday afternoon equipment demonstration sessions were cancelled due to heavy rains in the area. However, tours of the Winfield Recycling Center and Cowley County HHW facility were conducted. Thursday morning continued with concurrent sessions and round table discussions on recycling, composting, household hazardous waste and an update on competitive solid waste grants.

For additional information about the *WORKS!* 2003 Recycling, Composting and Household Hazardous Waste Conference, contact Jim Rudeen or Marty Burke at (785) 296-1600. The 10th anniversary of the *WORKS!* 2004 Conference is scheduled for March 25 - 27, 2004 on the campus of Bethany College in Lindsborg, Kansas.

Interest In Composting Continues To Grow At Livestock Feeding Facilities

What do you do with the manure from 30,000 animal units of livestock? What about the animals that die and need to be disposed in an environmentally friendly manner? What can be done with the paunch and offal from the packing plants? The current answer to these questions is land application for the manure and paunch and rendering for the dead animals and offal. With the rules tightening for land application and the cost of rendering increasing, composting is becoming an option that is being considered by more livestock feeding facilities.

In early February, the Bureau of Waste Management held a conference and training in Great Bend for livestock feeding facility operators wanting to learn more about composting. Approximately 85 people attended this meeting. The morning had general sessions on composting at livestock facilities, bio-security, and sampling and testing of compost.

In the afternoon, the attendees split into two groups, one for the beef and dairy cattle and one for the swine and poultry. Steve Moeller, Ohio State University, led the session on swine and poultry and Robert Rynk, BioCycle Magazine, led the session on beef and dairy cattle. About two thirds of the attendees indicated they were there for the dead animal composting information. Several of the attendees indicated that they were already composting their dead animals or planned to start in the next year.

Kansas State University will again provide a hands-on opportunity for facility operators through the "Kansas Composting Operators' School". This school will be held on June 25-26, 2003 on campus. Facility operators are given training in all aspects of operating a compost facility. They will see different types of testing equipment in use and be able to determine which would work best for them. Pad design and compost mixes are thoroughly discussed to leave the participants with a good understanding before they start operations.

Future plans include providing an educational booklet to the livestock feeding facilities which will help them work through the permitting process. This booklet will also provide background information on composting and why they might want to consider it as an alternative to their present practices. KDHE also plans on holding more conferences and training programs to help facility operators who are just starting to compost.

Ken Powell, Bureau of Waste Management

Publications, Policies and Guidance Documents

The annual update to the Division of Environment's *Publications, Policies and Guidance Documents used in the Enforcement of Environmental Regulations* is now available. The cost of the publication is \$15. For more information, contact Cathy Colglazier at (785) 296-0669.

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